

Can we be hung on some indictments,
but have a verdict in others?

Thanks BB

Supplemental Instruction No. 2

Members of the jury, you have asked whether you may return a verdict on some charges and not on others. This instruction is to inform you that you need not reach unanimous agreement on all of the charges. If you have reached unanimous agreement on some, but not all of the charges, you may return a verdict on those charges for which you have unanimous agreement. You do not have to do this, but you can if you wish.

If you do return a partial verdict on some, but not all of the charges, you may continue deliberating on the remaining charges, or you may alert the court if you believe you are hopelessly deadlocked on the remaining charges and further deliberation will be futile. Importantly, if you do return a verdict on some of the charges and decide to continue deliberating on the remaining charges, the verdict you returned on the unanimous charges will be final as to those charges, and you will not be able to change your minds about it later on.

In sum, you have three options at this point: (1) return a partial verdict for any unanimous charges and continue deliberating; (2) return a partial verdict for any unanimous charges and alert the court that you are hopelessly deadlocked on the remaining charges; or (3) continue deliberating until you have reached a verdict on all charges. The choice is yours. And there is no rush—take as much time as you need.